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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,567	01/03/2002	Peter E. Nielsen	920070.408	5843

27370 7590 12/21/2004

OFFICE OF THE STAFF JUDGE ADVOCATE
U.S. ARMY MEDICAL RESEARCH AND MATERIEL COMMAND
ATTN: MCMR-JA (MS. ELIZABETH ARWINE)
504 SCOTT STREET
FORT DETRICK, MD 21702-5012

EXAMINER

VO, HUYEN X

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/038,567	NIELSEN ET AL.	
Examiner		Art Unit	
Huyen Vo		2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 January 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/22/2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 6-7, 9, and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rensimer et al. (US Patent No. 5845253).

3. Regarding claims 1 and 6, Rensimer et al. disclose a method and system comprising:

accepting user input identifying at least two different names for a substantially similar grouping of one or more medical criteria (col. 4, In. 48-67); and

accepting user input specifying at least one of the at least two different names as forming at least a part of an outpatient-inpatient standardized nomenclature for the substantially similar grouping of one or more medical criteria (col. 5, In. 1-16).

4. Regarding claims 2 and 7, Rensimer et al. further disclose the method and system of claims 1 and 6, wherein said accepting user input identifying at least two different names for a substantially similar grouping of one or more medical criteria comprises: accepting user input identifying at least one outpatient-facility specific name

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and at least one inpatient-facility specific name for the substantially similar grouping of one or more medical criteria (*col. 5, ln. 1-16*).

5. Regarding claims 4 and 9, Rensimer et al. further disclose the method and system of claims 1 and 6, wherein said accepting user input specifying at least one of the at least two different names as forming at least a part of an outpatient-inpatient standardized nomenclature for the substantially similar grouping of one or more medical criteria comprises: accepting user input specifying at least one inpatient-facility specific name as the outpatient-inpatient standardized nomenclature name for the substantially similar grouping of one or more medical criteria identified by the at least one inpatient-facility specific name and at least one outpatient facility specific name (*figures 3A-B and referring to col. 4, ln. 47 to col. 5, ln. 16*).
6. Regarding claims 11 and 15, Rensimer et al. disclose a method and system comprising: accepting either outpatient or inpatient data to commonly accessible storage (*col. 4, ln. 48 to col. 6, ln. 67*).
7. Regarding claims 12 and 16, Rensimer et al. further disclose the method and system of claims 11 and 15, wherein said accepting either outpatient or inpatient data to commonly accessible storage comprises: accepting the outpatient or inpatient data via an outpatient-inpatient standardized nomenclature (*col. 4, ln. 48 to col. 6, ln. 67*).

8. Regarding claims 13 and 17, Rensimer et al. further disclose the method and system of claims 12 and 16, wherein said accepting the outpatient or inpatient data via an outpatient-inpatient standardized nomenclature comprises: accepting user input via a graphical user interface having at least one field corresponding to at least one word in the outpatient-inpatient standardized nomenclature (*handheld computer 130 in figure 1 and figures 2-3*).

9. Regarding claims 14 and 18, Rensimer et al. further disclose the method and system of claims 11 and 15, wherein accepting either outpatient or inpatient data to commonly accessible storage comprises: accepting outpatient data from an input associated with an outpatient facility or accepting inpatient data from an input associated with an inpatient facility (*col. 5, ln. 1-16, select inpatient or outpatient facility*).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 5, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rensimer et al. (US Patent No. 5845253).

12. Regarding claims 3 and 8, Rensimer et al. further disclose the step of accepting user input identifying a diagnosis as an outpatient/inpatient-facility specific name (*figure 3B*), but fail to specifically disclose the step of identifying the name toxæmia as an outpatient-facility specific name and the name preclampsia as an inpatient-facility specific name. However, it would have been obvious to one of ordinary skill in the art at the time of invention to include both toxæmia and preclampsia in the diagnosis database of figure 3B in order to provide services to users having toxæmia and preclampsia symptoms.

13. Regarding claims 5 and 10, Rensimer et al. further disclose that accepting user input specifying a diagnoses as the outpatient-inpatient standardized nomenclature name by which one or more medical criteria identified by the names listed should be identified (*figure 3B*), but fail to specifically disclose that the names include toxæmia and preclampsia. However, it would have been obvious to one of ordinary skill in the art at the time of invention to include the names toxæmia and preclampsia in the outpatient-inpatient standardized nomenclature name in order to provide services to users having toxæmia and preclampsia symptoms.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Huyen X. Vo

November 17, 2004

Susan McFadden
SUSAN MCFADDEN
PRIMARY EXAMINER